

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims**

1. (previously presented) A method comprising the steps of:

determining whether a called party's audio device is able to support at least one voice compression algorithm supported by a calling party's audio device; and

exchanging voice signals between said called party's audio device and said calling party's audio device via a data network, if said called party's audio device is able to support said at least one voice compression algorithm;

wherein said determining step is accomplished by exchanging messages between said called party's audio device and said calling party's audio device via a circuit switched network.

2. (canceled)

3. (previously presented) The method of claim 1, wherein said messages are modified circuit control signaling messages.

4. (original) The method of claim 1, wherein said exchanging step comprises the steps of:

compressing said voice signals using said at least one voice compression algorithm at one of said called party's audio device and said calling party's audio device;

sending said compressed voice signals to one other of said called party's audio device and said calling party's audio device via said data network; and

decompressing said compressed voice signals using said at least one voice compression algorithm at said one other of said called party's audio device and said calling party's audio device.

5. (original) The method of claim 1, wherein each of said audio devices is one of a wired telephone, a wireless telephone, and an Internet protocol (IP) based computer telephone.

6. (original) The method of claim 1, wherein said data network is an Internet protocol (IP) network.

7 - 45 (canceled)

46. (previously presented) A method of setting up a voice call between two digital wireless

telephones, comprising:

receiving, at a switch in a communication network, a call setup request from a calling digital wireless phone;

determining, prior to completing the call setup between the calling digital wireless telephone and a called digital wireless telephone, whether the called wireless digital telephone uses a voice compression algorithm that is compatible with a voice compression algorithm used by the calling digital wireless telephone;

setting up the voice call over the Internet if the called digital wireless telephone and the calling digital wireless telephone use compatible voice compression algorithms; and

setting up the voice call over the communication network if the called digital wireless telephone and the calling digital wireless telephone use incompatible voice compression algorithms.

47. (previously presented) The method of claim 46 wherein the communication network is a circuit switched network.

48. (previously presented) The method of claim 47 wherein the circuit switched network is a public switched telephone network.

49. (previously presented) A method of choosing a call setup in a communication network, comprising:

receiving a request from a calling telephone for call setup to a called telephone;

determining whether the calling telephone and the called telephone support compatible voice compression algorithms; and

diverting the call to a data network if the called telephone supports a voice compression algorithm that is compatible with a voice compression algorithm of the calling telephone.

50. (previously presented) The method of claim 49, further comprising:

determining whether the calling telephone and the called telephone have access to the same data network.

51. (previously presented) The method of claim 50, wherein the data network is the Internet.

52. (previously presented) The method of claim 49, wherein the data network is the Internet.

53. (previously presented) A method comprising:

initiating a call setup between a calling party's audio device and a called party's audio device using a first path;

before the call setup is completed, determining whether the called party's audio device supports a voice compression algorithm compatible with a voice compression algorithm supported by the calling party's audio device; and

based on the determination, completing the call setup using a second path different from the first path.

54. (previously presented) The method of claim 53, wherein the first path includes a public switched telephone network.

55. (previously presented) The method of claim 53, wherein the second path includes a data network.
56. (previously presented) The method of claim 53, further comprising:  
based on the determination, completing the call setup on the first path.
57. (previously presented) A method comprising:  
sending call setup signals via a circuit-switched network to set up a call between a calling party's telephone and a called party's telephone;  
consulting information relating to compatibility of respective voice compression algorithms supported by the calling party's telephone and the called party's telephone; and  
based on the information, sending call setup signals via a data network to complete the call setup.
58. (previously presented) The method of claim 57, wherein the information further relates to whether both the calling party's telephone and the called party's telephone have access to the data network.
59. (previously presented) The method of claim 57, wherein the information is included in a request issued by the calling party's telephone and in a response to the request from the called party's telephone.
60. (previously presented) The method of claim 57, wherein the information is included in a network node.
61. (previously presented) A method comprising:  
sending a call request message to a called digital wireless telephone via a public switched telephone network as a portion of a call setup procedure, the call request message including a list of voice compression algorithms supported by a calling digital wireless telephone;

receiving a response message indicating whether the called digital wireless telephone can support one of the voice compression algorithms on the list, and whether the called digital wireless telephone can access a data network also accessible to the calling digital wireless telephone;

if the response message indicates that the called digital wireless telephone can support one of the voice compression algorithms on the list and that the called digital wireless telephone can access the data network, completing the call setup procedure via the data network; and

if the response message indicates that the called digital wireless telephone cannot support one of the voice compression algorithms on the list or that the called digital wireless telephone cannot access the data network, completing the call setup procedure via the public switched telephone network.

62. (previously presented) The method of claim 61, wherein the data network is the Internet.

63. (previously presented) A method comprising:

performing a phase of a call setup procedure using a communication path that includes a mobile switching center (MSC) coupled to a data network and a public switched telephone network (PSTN), the phase including sending a call request message received from a calling digital wireless telephone at the MSC to a called digital wireless telephone via the PSTN, the call request message including a list of voice compression algorithms supported by the calling digital wireless telephone;

determining, based on a response message from the called digital wireless telephone, whether the called digital wireless telephone supports one of the voice compression algorithms on the list and whether the called digital wireless telephone has access to the data network;

if the called digital wireless telephone supports one of the voice compression algorithms on the list and has access to the data network, completing the call setup procedure via the data network; and

if the called digital wireless telephone does not support one of the voice compression algorithms on the list or does not have access to the data network, completing the call setup procedure via the PSTN.

64. (previously presented) The method of claim 63, wherein the data network is the Internet.

65. (new) A method for diverting an Integrated Services Digital Network User Part (ISUP) network talkpath to a data network talkpath, comprising the steps of:

determining, using an ISUP signaling path, whether a called party's telephone is adapted to exchange voice signals via a same data network to which a calling party's telephone is adapted to exchange voice signals, said ISUP signaling path being established during a process of establishing the ISUP network talkpath;

establishing the data network talkpath using resources associated with said same data network if said called party's telephone is adapted to exchange voice signals via said same data network; and

exchanging voice signals between said called party's telephone and said calling party's telephone using the data network talkpath.